

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>In re:</p> <p>FAIRFIELD SENTRY LIMITED, et al.,</p> <p style="text-align: center;">Debtor in Foreign Proceedings.</p>	<p>Chapter 15 Case</p> <p>Case No. 10-13164 (CGM)</p> <p>Jointly Administered</p>
<p>FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THEODOOR GGC AMSTERDAM, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 10-03496 (CGM)</p> <p>Administratively Consolidated</p>
<p>FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ZURICH CAPITAL MARKETS COMPANY, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 10-03634 (CGM)</p>

**[PROPOSED] ORDER**

**WHEREAS**, on August 11, 2021, Plaintiffs Kenneth M. Krys and Greig Mitchell solely in their capacities as the liquidators of Fairfield Sentry Ltd. filed their Fourth Amended Complaint (the “Complaint”) in the above-captioned adversary proceeding;

**WHEREAS**, on November 15, 2021, Merrill Lynch Bank (Suisse) S.A. (“MLBS”), improperly named as Merrill Lynch Bank, a defendant in the above-captioned adversary proceeding filed a motion seeking an Order dismissing the Complaint for Lack of Personal Jurisdiction Under Rule 12(b)(2) [ECF No. \_\_\_\_] (the “Motion to Dismiss”); and

**WHEREAS**, on \_\_\_\_\_, 2021, the Court held a hearing on the Motion to Dismiss (the “Hearing”); and

**WHEREAS**, the Court has considered the arguments made by counsel at the Hearing and all papers filed in support of and in opposition to the Motion to Dismiss;

**NOW THEREFORE, IT IS HEREBY ORDERED** that, for the reasons set forth in the Motion to Dismiss and by the Court on the record of the Hearing, the Motion to Dismiss is granted, and the Complaint is dismissed with prejudice with respect to MLBS.